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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/010,190

Filing Date: December 05, 2001

Appellant(s): GOODACRE ET AL.

J. Lavar Oldham
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/20/2007 appealing from the Office action mailed
11/13/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030046365	PFISTER	3-2003
5987480	DONOHUE	1-1999
6023714	HILL	2-2000
5835914	BRIM	11-1998

20040015476	TWADDLE	1-2004
20030061106	ORHORMURU	3-2003
200301236136	OMOIGUI	7-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 17-19, and 24-39, 41-46, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister et al, hereinafter Pfister (USPub. # 2003/0046365 A1, 3/6/2003, filed on 9/4/2001), in view of Donohue et al, hereinafter Donohue (US Pat. # 5,987,480, 11/16/1999), and further in view of Hill et al, hereinafter Hill (USPat.# 6,023,714, 2/8/2000, filed on 4/24/1997), and further in view of Brim (USPat.# 5,835,914, 11/10/1998).

Regarding independent claim 1, Pfister discloses the personalization or customization of static, and dynamic content on web pages to be presented on a WML device(s) (0051, 0054, 0058).

Moreover, Pfister teaches that templates are produced for presenting data to WML devices. The presented data takes the form of information, such as ads which are changed or rotated by a cache in accordance with a schedule (0051, 0059, 0061).

In addition, Pfister teaches using markup language tags or symbols for identifying static content in the template, such as block 410 displayed in the top part of the web page in fig.4, used in loading, and presenting a web page from a cache (0016-0017, 0051, lines 1-3, 0059, lines 14-0061, fig.4). In other words, the template tags, represent the static content 410 and its position/layout in the web page.

Moreover, Pfister fails to explicitly disclose: *creating a template file at a network computing device*. However, Donohue teaches the creation, and storage of dynamic templates on an Internet server-- *network computing device* (col.6, lines 17-32). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Pfister, and Donohue, because Donohue discloses providing web pages, which are individualized to particular needs and interests of users over the Internet, in a way which is transparent to the users, and does not require the storage of large number of documents. This makes the web a more effective commercial tool (col. 3, lines 9-18, and col.4, lines 1-16).

Moreover, Pfister teaches using markup language tags or symbols--*references*-- for identifying dynamic content, such as ads, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting downloaded dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the web page or template dynamic tags, represent the dynamic content 412 and its position/layout in the web page, which informs the browser of the location of the dynamic

information—the substituted dynamic content being stored separate from the template file and substituted for the one or more references. The dynamic information, such as the ads replace the identifiers when the web page is displayed to the user-- *including the static content, the references to the dynamic content, as well as corresponding layout information in a template file.* Pfister fails to explicitly disclose: *generating computer-executable instructions for substituting at the mobile computing device for the one or more references to the dynamic content included in the template file; wherein the computer-executable instructions are executed at the mobile computing device to facilitate merging updated displayable dynamic content at the mobile computing device with the layout information corresponding to the one or more references to dynamic content.* However, Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Moreover, Pfister teaches using identifiers sending a web page, containing static and dynamic information, to a client from a server-- *transferring the template file* (00165-0017, 0037-0038, fig.1). Pfister fails to explicitly disclose: *transferring the computer executable*

instructions to the mobile computing device. However, Hill teaches a client using a script--*computer-executable instructions*— stored in an HTML document for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). It would have been obvious to a person of ordinary skill in the art at the time of the invention to transfer to the client the web page including the script by combining Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Furthermore, Pfister teaches using identifiers for sending a web page, containing static and dynamic information, to a client from a server-- *transferring the template file*. The client holds or stores the web page. Some of the Static, and dynamic content is downloaded when it changes, such as performing major changes and overhaul of “Yahoo, Calendar,” etc., icons—*replacing existing layout information corresponding to the stored template file without replacing the stored template file* (0016-0017,0037-0038, 0040, 0058-0059,0064, 0066, 0074, fig.1). Pfister fails to explicitly disclose: *monitoring content denoted in a registration and when dynamic content of interest changes, transporting the dynamic content to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content*. However, Brim teaches using ActiveX controls to display current information—*dynamically*--, such as stock prices, on a web page. The dynamic data is continuously retrieved from a remote server and updated on a location of the web page on a client web browser (col.1, lines 21-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to transfer to the client

the web page including the script by combining Pfister, and Brim, because of all the reasons taught by Brim, not excluding the continuous retrieval, and display of dynamic data (col.2, lines 1-11), which would provide the benefit of quickly, and efficiently retrieve dynamic data onto a client computer.

Regarding claim 2, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page. Pfister fails to explicitly disclose: *generating computer executable in the form of markup language instructions*. Pfister fails to explicitly disclose: *executing markup language instructions*. Hill teaches a client using a the contents, a script--*computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 3, which depends on claim 2, Pfister teaches using HTML for presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0058-0059, fig.4). Pfister fails to explicitly disclose: *generating markup language instructions*. However, Hill teaches a client using the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device's capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines 23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 4, which depends on claim 1, Pfister teaches using tag identifiers for identifying static content, such as block 410 displayed in the top part of the web page in fig.4, used in loading, and presenting a web page from a cache (0051, lines 1-3, 0059, lines 14-0061, fig.4). In other words, the template identifiers, represent the static content 410 and its position/layout in the web page.

Regarding claim 5, which depends on claim 1, Pfister teaches producing templates using tag identifiers—*customized extensions referencing dynamic content*— for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4).

Regarding claim 6, which depends on claim 5, Pfister teaches producing markup language templates using tag identifiers—*customized extensions, to a markup language, referencing dynamic content*— for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0058, 0059, lines 14-0061, fig.4).

Regarding claim 7, which depends on claim 6, Pfister teaches producing markup language templates—*macro*— using tag identifiers—*customized extensions, to a markup language, referencing dynamic content*— for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0051, 0058, 0059, lines 14-0061, fig.4).

Regarding claim 8, which depends on claim 5, Pfister teaches producing HTML templates—*macro*— using tag identifiers—*customized extensions, to a markup language*,

referencing dynamic content-- for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0051, 0058, 0059, lines 14-0061, fig.4).

Regarding claim 9, which depends on claim 8, Pfister teaches producing HTML templates—*macro--* using tag identifiers—*customized extensions, to a markup language,* *referencing dynamic content--* for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting or displaying dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0051, 0058, 0059, lines 14-0061, fig.4).

Regarding claim 10, which depends on claim 5, Pfister teaches producing HTML templates—*macro--* using tag identifiers for identifying dynamic content—*without user intervention*, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information (at a device such as PDA), which is changed periodically, in the web page from a cache (0016-0017, 0040, 0051, 0058, 0059, lines 14-0061, fig.4).

Regarding claim 11, which depends on claim 5, Pfister teaches producing HTML templates using tag identifiers for identifying dynamic content—, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic

information in a Javascript enabled browser, which is changed periodically, in the web page from a cache (0016-0017, 0037, 0051, 0058, 0059, lines 14-0061, fig.4). Pfister fails to explicitly disclose: *customized extensions to a script language*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have generated Javascript references or extensions to dynamic content, because Pfister discloses above the implementation of Javascript (0059, fig.4--410). Thus providing a fuller, and more interactive navigation experience using the interactive powers of Javascript.

Regarding claim 12, which depends on claim 11, Pfister teaches producing HTML templates using tag identifiers for identifying dynamic content—, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information in a Javascript enabled browser, which is changed periodically, in the web page from a cache (0016-0017, 0037, 0051, 0058, 0059, lines 14-0061, fig.4). Pfister fails to explicitly disclose: *customized extensions to Javascript*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have generated Javascript references or extensions to dynamic content, because Pfister discloses above the implementation of Javascript (0059, fig.4--410). Thus providing a fuller, and more interactive navigation experience using the interactive powers of Javascript.

Regarding claim 13, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed

periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page.

Regarding claim 14, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout to be displayed at a location in the web page.

Regarding claim 17, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0040, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page. Pfister fails to explicitly disclose: *generating computer-executable instructions in a markup language for substituting at the mobile computing device the dynamic content for the one or more references to the dynamic content.* Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47,

col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 18, which depends on claim 17, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0040, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page. Pfister fails to explicitly disclose: *generating computer-executable instructions in HTML*. Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device's capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 19, which depends on claim 18, Pfister teaches producing HTML templates using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0051, 0058, 0059, lines 14-0061, fig.4). Pfister fails to explicitly disclose: *generating computer-executable instructions that include customized macro extensions to HTML*. Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 24, which depends on claim 1, Pfister teaches using tag identifiers sending a web page, containing static and dynamic information, to a client from a server-- *transferring the template file* (0016-0017, 0037-0038, fig.1). Pfister fails to explicitly disclose: *transferring the computer executable instructions that include HTML content*. However, Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s

capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines 23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 25, which depends on claim 1, Pfister teaches using HTTP for downloading the web page (0047, 0049-0050, fig.4).

Regarding claim 26, which depends on claim 25, Pfister teaches using HTTP for downloading the web page (0047, 0049-0050, fig.4).

Regarding independent claim 27, Pfister teaches that templates are produced for presenting data to WML devices. The presented data takes the form of information such as ads which are changed or rotated by a cache in accordance with a schedule (0059, 0061).

Moreover, Pfister teaches a client for receiving a web page, containing static and dynamic information having tag identifiers, as sent from a server-- *receiving from a network computing device a template file* (0016-0017, 0037-0038, 0059, lines 14-0061, fig.4, fig.1). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page-- *includes static content, references to the dynamic content, as well as corresponding layout information in a template file*.

Further, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically by a cache—*receiving notification that dynamic content referenced by at least one of the references has changed to a current state and executing computer-executable instructions to thereby facilitate the inclusion of the current state of the dynamic content of the dynamic content in an appropriate location*, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page.

Further, Pfister fails to explicitly disclose: *receiving from the network computing device computer- executable instructions for substituting the dynamic content for the one or more references to the dynamic content included in the template file, and executing computer- executable instructions, at the mobile computing device, to substitute the changed dynamic content for the at least one of the one or more references to the dynamic content, based on the notification that the dynamic content referenced by at least one or more references to the dynamic content has changed; wherein the computer-executable instructions are executed at the mobile computing device to facilitate merging updated displayable dynamic content at the mobile computing device with the layout information corresponding to the one or more references to dynamic content*. However, Hill teaches a client using a the contents, a script—*computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such

as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Furthermore, Pfister teaches using identifiers sending a web page, containing static and dynamic information, to a client from a server-- *transferring the template file*. The client holds or stores the web page. Some of the Static, and dynamic content is downloaded when it changes, such as performing major changes and overhaul of “Yahoo, Calendar,” etc., icons—*replacing existing layout information corresponding to the stored template file without replacing the stored template file* (0037-0038, 0040, 0058-0059,0064, 0066, 0074, fig.1). Pfister fails to explicitly disclose: *network computing device monitoring content denoted in a registration such that when dynamic content of interest changes, the dynamic content is transported to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content*. However, Brim teaches using ActiveX controls to display current information—*dynamically*--, such as stock prices, on a web page. The dynamic data is continuously retrieved from a remote server and updated on a location of the web page on a client web browser (col.1, lines 21-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to transfer to the client the web page including the script by combining Pfister, and Brim, because of all the reasons taught by Brim, not excluding the continuous retrieval, and display of dynamic data.

(col.2, lines 1-11), which would provide the benefit of quickly, and efficiently retrieve dynamic data onto a client computer.

Regarding claim 28, which depends on claim 25, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information in a PDA, which is changed periodically, in the web page from a cache-- *storing the template file that includes static content, as well as corresponding layout information in system memory associated with the mobile device* (0016-0017, 0040, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page.

Regarding claim 29, which depends on claim 27, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information using WAP, which is rotated or toggled periodically by a cache—*notification that was pushed to the mobile device* (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 30, which depends on claim 29, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information using WAP, which is rotated or toggled periodically by a cache— (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 31, which depends on claim 30, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element*-- using WAP, which is rotated or toggled periodically by a cache (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 32, which depends on claim 31, Pfister teaches using tag identifiers—*URI*-- for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element*-- using WAP, which is rotated or toggled periodically by a cache (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 33, which depends on claim 31, Pfister teaches using tag identifiers in a template for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element*-- using WAP, which is rotated or toggled periodically by a cache (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 34, which depends on claim 31, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication*

element-- using WAP, which is rotated or toggled periodically by a cache—dynamic content has changed (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 35, which depends on claim 27, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element-- using WAP, which is rotated or toggled periodically by a cache—dynamic content has changed* (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 36, which depends on claim 27, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element-- using WAP, which is rotated or toggled periodically by a cache—dynamic content has changed* (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 37, which depends on claim 27, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information—*service indication element-- using WAP, which is rotated or toggled periodically by a cache—storing notification* (0016-0017, 0048, 0059, lines 14-0061, fig.4).

Regarding claim 38, which depends on claim 27, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the HTML web page in fig.4, used in loading, and presenting dynamic information, which is rotated or toggled periodically by a cache (0016-0017, 0058, 0059, lines 14-0061, fig.4). Pfister fails to explicitly disclose: *executing markup language instructions*. However, Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9, lines 23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Regarding claim 39, which depends on claim 38, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the HTML web page in fig.4, used in loading, and presenting dynamic information-, which is rotated or toggled periodically by a cache (0016-0017, 0058, 0059, lines 14-0061, fig.4). Pfister fails to explicitly disclose: *executing HTML instructions*. However, Hill teaches a client using a the contents, a script-- *computer-executable instructions*—stored in an HTML document, and a stylesheet for adapting the document in accordance with a device’s capabilities, such as changing the size of the font, found in the HTML format of the document (col.10, lines 15-47, col.9,

lines23-54, col.6, lines 1-45). In other words, the script takes the stylesheet, and merges an updated portion of data, such as changed font, with the tagged content of the document to produce the adapted web page document. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Hill, because Hill teaches optimizing a web page in accordance with a device capability (col.2, lines 1-11). Thus providing an efficient, and easier way to interact with web documents.

Claims 41-44 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1, 1, 4 and 4 respectively, and therefore are similarly rejected.

Regarding claim 45, which depends on claim 1, Pfister teaches the downloading, and updating of dynamic information, and tag identifiers onto the web page *—replacing one or more references provided in the template file* (0016-0017, 0058, 0066).

Regarding claim 46, which depends on claim 1, Pfister teaches that some of the Static, and dynamic content is downloaded when it changes, such as performing major changes and overhaul of “Yahoo, Calendar,” etc., icons—*notifying the mobile computing device of changes to the layout information and other dynamic content* (0037-0038, 0040, 0058-0059,0064, 0066, 0074, fig.1).

Claim 48 is directed towards a method for implementing the steps found in claim 45, therefore is similarly rejected.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister, in view of Donohue, further in view of Hill, and further in view of Twaddle (US Pub. # 2004/0015476 A1 1/22/2004, PCT filed on 8/31/2001), and further in view of Brim.

Regarding claim 15, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0059, lines 14-0061, fig.4). In other words, the template dynamic identifiers, represent the dynamic content 412 and its position/layout in the web page. Pfister fails to explicitly disclose: *including the static content, the references to the dynamic content, as well as corresponding layout information in a template file that is capable of including content of a plurality of different formats*. However, Twaddle teaches mail merging static, and dynamic content into a template file, which has a master layout for including HTML, WML, and XML, the elements to be included in the web page (0049, 0061, appendix A). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, and Twaddle, because Twaddle teaches the generation of dynamic data as to accommodate large number of users (0035). Thus providing an efficient, and quick way for users to retrieve static and dynamic data.

4. Claims 16, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister, in view of Donohue, further in view of Hill, and further in view of Orhormuru (US Pub. # 2003/0061106 A1 3/27/2003, filed on 9/21/2001), and further in view of Brim.

5.

Regarding claim 16, which depends on claim 15, Pfister teaches using identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the WML web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0048, 0059, lines 14-0061, 0040, fig.4). Pfister fails to explicitly disclose: *a MIME file*. However, Orhormuru teaches using a MIME type for WML for viewing and accessing web pages using mobile devices (0077). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Hill, and Orhormuru, because Pfister teaches above the viewing of web pages using mobile devices, which provides a flexible method of viewing web pages using portable and mobile devices, which can be easily transported.

Regarding claim 20, which depends on claim 1, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the WML web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0048, 0059, lines 14-0061, 0040, fig.4). Pfister fails to explicitly disclose: *transferring the template file in a MIME format*. However, Orhormuru teaches using a MIME type for WML for viewing and accessing web pages using

mobile devices (0077). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Hill, and Orhormuru, because Pfister teaches above the viewing of web pages using mobile devices, which provides a flexible method of viewing web pages using portable and mobile devices, which can be easily transported.

Regarding claim 21, which depends on claim 20, Pfister teaches using tag identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the WAP web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0048, 0059, lines 14-0061, 0040, fig.4). Pfister fails to explicitly disclose: *transferring the template file in a MIME format*. However, Orhormuru teaches using a MIME type for WML for viewing and accessing web pages using mobile devices (0077). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Hill, and Orhormuru, because Pfister teaches above the viewing of web pages using mobile devices, which provides a flexible method of viewing web pages using portable and mobile devices, which can be easily transported.

Regarding claim 22, which depends on claim 21, Pfister teaches using tag identifiers--
associated with a specific application id-- for identifying dynamic content, such as item 412 displayed underneath static content 410 of the WML web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0048, 0059, lines 14-0061, 0040, fig.4). Pfister fails to explicitly disclose: *MIME format*. However, Orhormuru teaches using a MIME type for WML for viewing and accessing

web pages using mobile devices (0077). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Hill, and Orhormuru, because Pfister teaches above the viewing of web pages using mobile devices, which provides a flexible method of viewing web pages using portable and mobile devices, which can be easily transported.

Regarding claim 23, which depends on claim 22, Pfister teaches using identifiers for identifying dynamic content, such as item 412 displayed underneath static content 410 of the WML web page in fig.4, used in loading, and presenting dynamic information, which is changed periodically, in the web page from a cache (0016-0017, 0048, 0059, lines 14-0061, 0040, fig.4). Pfister fails to explicitly disclose: *content encoded in a MIME format associated with a specific application id that identifies the template file as including content encoded in a MIME format--.* However, Orhormuru teaches using a MIME type for WML for viewing and accessing web pages using mobile devices (0077). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Hill, and Orhormuru and provide MIME encoded templates, because Pfister teaches above the viewing of web pages using mobile devices, which provides a flexible method of viewing dynamic web pages using portable and mobile devices, which can be easily transported.

6. Claims 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister, in view of Donohue, further in view of Hill, and further in view of Omoigui (US Pub. #

2003/0126136 A1 7/3/2003, provisional application filed on 6/22/2001), and further in view of Brim.

Regarding claim 47, which depends on claim 46, Pfister teaches the downloading, and updating of dynamic information, and tag identifiers onto the web page –*replacing one or more references provided in the template file* (0016-0017, 0058, 0066). Pfister fails to explicitly disclose: *notifying includes an audio notification*--. However, Omoigui teaches using audio alerts to notify a user of new information in a minimized window (0822). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Pfister, Donohue, Hill, and Omoigui, because Omoigui teaches above notifying users of new information, which would provide the benefit of quickly informing a user of information which is of high interest.

Claim 49 is directed towards a method for implementing the steps found in claim 47, therefore is similarly rejected.

(10) Response to Argument

The Appellant indicates that the Examiner failed to identify where the prior art teaches monitoring dynamic content denoted by a registration at the network computing device and transporting updated content to the client when it changes (pages 17-18). The Examiner disagrees, because Pfister teaches using identifiers for sending a web page, containing static and dynamic information, to a client from a server-- *transferring the template file*. The client holds or stores the web page (0016-0017, 0037-0038, 0040, 0058-0059, 0064, 0066, 0074, fig.1).

However, Pfister fails to explicitly disclose: *monitoring content denoted in a registration and when dynamic content of interest changes, transporting the dynamic content to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content*. However, Brim teaches using ActiveX controls to display current information—*dynamically*—, such as stock prices, on a web page. The dynamic data is continuously retrieved from a remote server and updated on a location of the web page on a client web browser (col.1, lines 21-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to transfer to the client the web page including the script by combining Pfister, and Brim, because of all the reasons taught by Brim, not excluding the continuous retrieval, and display of dynamic data (col.2, lines 1-11), which would provide the benefit of quickly, and efficiently retrieve dynamic data onto a client computer.

ActiveX controls establish a continuous session between the client browser, and the server, so that the stock prices requested by the controls are presented continuously or streamed to the browser. The very moment the server detects an update in any of the stock prices, the corresponding prices of the stocks listed on the webpage dynamic section (such as the non-static section taught by Pfister in fig.1)—registration data—are transmitted to the client in a real-time fashion. If there is continuous retrieval by the client, there must also be continuous sending on the part of the server

The Appellant submits that the references do not show the monitoring of dynamic content by the network computing device (page 18, ii-page 19). The Examiner disagrees, because as

shown above Brim teaches a well-known technique, where a mobile handheld device continuously retrieves dynamic data, such as the stock prices. The client already established a session letting the server know the information that is required. In other words, the server scans or monitors the dynamic data requested by the client and listed on the webpage. Whenever there is a change in the dynamic data, the server obtains this information on behalf of the client, and then sends the changed data in a continuous manner (immediately after the data is updated) to the client, where the update is placed in the designated location, and displayed to the user. The client needs not to inform the server every certain period of time that the dynamic data is needed. This would be a discrete retrieval, and not a continuous one as taught by Brim. This continuous retrieval would be very helpful in cases such as the retrieval of stock prices where the need to know the latest information is essential, and critical, since there is a great need to know the value of the stock the moment it changes. This would enable a person to make quick, and informed decisions having the very latest information

In response to Appellant's argument that the references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies (i.e., "dynamic content denoted by a registration at the network computing device", page 22, ii) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims recite the monitoring of dynamic content found in a registration. However, the claims do not specify where the registration is located. The

registration with the dynamic data could be located in the webpage found at the client, just as is described by Pfister, and Brim, where the client notifies the server of the dynamic information that needs monitoring and updating.

(11) Related Proceeding(s) Appendix

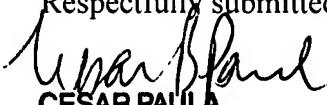
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

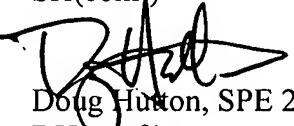
For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,

CESAR PAULA
PRIMARY EXAMINER

Cesar B. Paula
October 23, 2007



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